

## TRANSPORT DEPARTMENT

The 14th March, 1978

No. 1419.—The Governor of Haryana is pleased to reconstitute the State Transport Advisory Committee for a period of two years from the date of issue of this notification as follows :—

Transport Minister, Haryana	.. Chairman
Chief Parliamentary Secretary, Haryana	.. Vice-Chairman

## OFFICIAL MEMBERS

1. Secretary to Government Haryana, Transport Department	.. Member
2. Chief Engineer, PWD (B&R) Branch, Haryana	.. Do
3. Labour Commissioner, Haryana	.. Do
4. Director, Postal Services, Haryana, A. Cantt.	.. Do
5. Chief Commercial Superintendent, Northern Railway, Delhi	.. Do
6. Director, Public Instruction, Haryana	.. Do
7. Representative of the Finance Department	.. Do
8. State Transport Controller, Haryana	.. Secretary

## NON-OFFICIAL MEMBERS

1. Shri Lal Chand, son of Shri Khem Chand, President, Haryana Truck Union, Sonapat	.. Member
2. Shri Nafe Singh, son of Shri Chhotu Ram, Village and Post Office Kharar Truck Union, Sampla	.. Do
3. Shri Bir Singh, President, Truck Union, Hissar	.. Do
4. Shri Bhagi Ram, MLA (SC), Ellenabad, Village Mithi-Sureti, P. O. Ellenabad, District Sirsa	.. Do
5. Shri Harsarup Bura, MLA, Sonapat, Stand, Rohtak	.. Do
6. Shri Deep Chand Bhatia, MLA, I-D/74-A, Faridabad, NIT, District Gurgaon	.. Do
7. Shri Hukam Singh, MLA, Ward No. I, Charkhi Dadri District Bhiwani	.. Do

2. Government by its express order may reconstitute the committee earlier also, if it so desires.

3. The Headquarters of the Advisory Committee shall be at Chandigarh where the Committee shall meet monthly under the Chairmanship of the Transport Minister and in his absence, the Chief Parliamentary Secretary, Haryana shall preside over the meeting. In case none of them is present, one of the non-officials present at the meeting will preside over it as may be mutually agreed upon by the members present.

4. Three members present of whom at least one is non-official member shall form a quorum for a meeting.

5. The functions of the committee will be as under :—

- (a) to consider ways and means of planning and development of road transport on a regional basis;
- (b) to consider the difficulties of the travelling public and operator, both in passengers and goods transport, and providing facilities to travelling public.

- (c) Providing amenities to the staff employed in the road transport services and improving the condition of work.
- (d) Development of road and wayside facilities
- (e) Motor Vehicles Rules and amendments thereto, etc.
- (f) to educate the public generally, and the drivers of vehicles in particular, in road sense and other connected matters with the object of reducing toll of human life due to accidents; and
- (g) any other matter intended to be referred to Government by the Committee.

Due notice shall be given of any matter intended to be raised at a meeting of the Committee to the Secretary of the Committee at least fifteen days before the date of the said meeting.

6. The members of the Committee will draw travelling allowances as under :—

- (a) The Legislators in their *ex-officio* capacity under Punjab, Legislative Assembly (Allowances of Members) Act, 1942/1952 and the Rules made thereunder, as in force present or may be amended hereafter.
- (b) Non-officials, other than MLAs one 1st Class Railway fare plus incidental charges and road mileage as well as daily allowance as admissible to a 1st grade Government Employees drawing a pay of Rs 1,000 other conditions laid down in the Punjab T. A. Rules for Government Employees will also apply to journeys performed by non-official member except where otherwise provided.
- (c) The travelling allowance bills of the Legislators will be countersigned by the Secretary, Haryana Vidhan Sabha and those of non-official members by the State Transport Controller, Haryana.
- (d) The T. A. for attending the meetings of the Committee will be allowed to the members from their permanent place of residence to the place of the meeting. If, however, a member attends a meeting from a place other than the place of his permanent residence, T. A. will be allowed to him either from the place of his residence or from where he attends the meeting whichever is less.
- (e) The T. A. and D. A. will be admissible to the non-official members (other than M.L.As.) on the production of a certificate to the effect that T.A. in respect of the journey or D. A. for the period mentioned in the bill has been or will be claimed by him from any other official source.

7. The expenditure involved shall be met out of the budget allowance under head "241—Taxes on Vehicles—C—Inspection of Motor Vehicles".

M. SETH, Secy.

#### LABOUR DEPARTMENT

The 24th February, 1978

No. 10416-4Lab-77/1385.—The following draft rules to amend the Industrial Disputes (Punjab) Rules, which the Governor of Haryana proposes to make in exercise of the powers conferred by section 38 of the Industrial Disputes Act, 1947, are published, as required by sub-section (1) of that section, for the information of persons likely to be affected thereby.

Notice is hereby given that the draft rules will be taken into consideration by the Government on or after the expiry of a period of thirty days from the date of publication of this notification in the official Gazette together with objections or suggestions, if any, which may be received by the Labour Commissioner, Haryana, Chandigarh, from any person with respect to the draft rules before the expiry of the period so specified :—

#### DRAFT RULES

1. These rules may be called the Industrial Disputes (Punjab) Haryana Amendment Rules, 1978.

2. In the Industrial Disputes (Punjab) Rules, 1958 (hereinafter referred to as the said rules) in rule 61 A, (i) in sub-rule (1) for the words, figures and letters, "Chapter VA", the words, figures and letters "Chapter VA or Chaptee VB" shall be substituted. (ii) to sub-rule (2), the following proviso shall be added, namely :—

"Provided that in the case of death of a workman, application shall be made in form K-5 by the assignee or heir of the deceased workman."

3. In the said rules in forms K-1, K-2 and K-4 for the word, figures and letters "Chapter VA", the words, figures and letters "Chapter VA or Chapter VB" shall be substituted.

4. In the said rules, after Form K-4, the following form shall be inserted, namely :—

• "FORM K-5

[See rule 61 A(2) ]

Application by a person who is an assignee or heir of a deceased workman under sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947).

Before the \_\_\_\_\_  
Labour Court  
Industrial Tribunal.

1. Name of the applicant/applicants.

2. Name of the employer.

I am/we are the assignee (s) heir (s) of the deceased workman and am/are entitled to make an application on this behalf.

Shri \_\_\_\_\_ a former workman of M/s \_\_\_\_\_  
of \_\_\_\_\_ is entitled to receive from the said M/s \_\_\_\_\_  
the money/benefit mentioned in the statement hereto annexed.

It is prayed that the Court be pleased to determine the amount/amounts due to the deceased workman.

Address of workman \_\_\_\_\_  
Signature or thumb-impression of the Applicant (s)

Station :

Date

Address of applicant (s)"

The 6th March, 1978

No. 1704/3Lab-78/1400.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Gauri Weaving Factory, Sonapat.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 81 of 1976

between

SHRI HAWA SINGH, WORKMAN AND THE MANAGEMENT OF M/S GAURI WEAVING FACTORY SONEPAT.

AWARD

By order No. ID/RK/916-A-75/34551, dated 31st September, 1976, the Governor of Haryana, referred the following dispute between the management of M/s Gauri Weaving Factory, Sonapat and its workman Shri Hawa Singh to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Hawa Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings.

The workman concerned filed his claim statement, in conformity with the notices of demand dated 9th July, 1976, served by him on the management concerned, that his services had been illegally terminated by the latter with effect from 23rd June, 1976, by way of retrenchment without assigning any reasons and service of notice on him and he was as such entitled to reinstatement with continuity of service and full back wages.

The management concerned denied the allegations of the workman,—vide written statement filed by them and pleaded that his services had in fact never terminated by them and the reference was bad in law on that account. They set up a case that the workman began absenting himself from duty with effect from 21st June, 1976 and a notice was sent on 23rd June, 1978 through registered post to him to report for duty but he did not do so and that another notice was sent to him on 1st July, 1976 asking him to report for duty but he failed to do so even then.

The following issues were thus framed on pleas of the parties,—vide order, dated 2nd April, 1977 :—

1. Whether the workman absented himself from duty with effect from 21st June, 1976 and never turned up thereafter ? If yes, to what effect ?
2. If not, whether the termination of services of Shri Hawa Singh was justified and in order ? If not, to what relief is he entitled ?

I have heard learned authorised representatives of the parties with reference to the evidenced by them and decide the issues as under :—

**Issue No. 1.**—The management examined one Shri Atam Chand Bajaj their office Superintendent as M.W.-1, Shri Chhaju Ram their watchman as M.W. 2 and Shri Rajinder Parshad their General Manager MW-3, Shri Atam Chand deposed with reference to the registers of attendance of the employees of the management, of the period from 1st April, 1976 to 1st March, 1977, brought by him in Court, that the workman concerned Shri Hawa Singh was recorded as being absent from duty from 21st June, 1976 to 31st July, 1976 and thereafter till 31st May, 1977. He added that the workman never made any application for grant of leave and on his absentsing himself from duty with effect from 21st June, 1977 the management sent to him letter, dated 23rd June, 1976 copy Exhibit M-1 and letter dated 1st July, 1976 copy Exhibit M-3 and that no reply was ever received from him and he did not report for duty despite being asked to do so and explain his absence,—vide these aforesaid letters. He brought on record the acknowledgement receipt Exhibit M-2 relating to the letter copy Exhibit M-1 and acknowledgement receipt Exhibit M-4 relating to letter copy Exhibit M-3. He specifically gave out in reply a question put to him by the workman that the name of the later had not been struck off the rolls till 2nd July, 1977. Shri Rajinder Parshad General Manager and Shri Chhaju Ram Watchman corroborated the statement of Shri Atam Chand that the workman absented himself from duty from 21st June, 1976 onwards. Shri Rajinder Parshad added that he appeared before the Conciliation Officer in response to a notice of the complaint of the workman and submitted his reply copy Exhibit M-5 with the plea of intentional absence of the workman from duty. The workman appearing as his own witness orally deposed that the management concerned illegally terminated his services on 23rd June, 1976. He tendered in evidence letter Exhibit W-1 alleged to have been received by him from the management informing him that his name had been struck off the rolls of their employees with effect from 5th July, 1976. It would thus appear that the statement of the workman that his services had been terminated with effect from 23rd June, 1976 stands contradicted,—vide letter Exhibit W-1 relied upon by him and the reference relating to the demand in respect of the termination of services of the workman with effect from 23rd June, 1976 is bad in law if it is found that his services were actually terminated with effect from 5th July, 1976.

There is yet another aspect of the question requiring consideration. Letter Exhibit W-1 was never put to any of the witnesses of the management in cross examination for eliciting from them if it was actually under the signatures of Shri Boddh Raj tWeiremployee and as such its genuineness cannot be vouchsafed. It is further significant to note that the workman while appearing as his own witness did not state a word relating to the pleas of the management of his absence from duty with effect from 21st June, 1976. He in other words failed to deny these pleas of the management. I under the circumstances see no reason to disbelieve the witnesses of the management that the applicant actually absented himself from duty with effect from 21st June, 1976 and continued to do so thereafter continuously and his name has yet not been struck off the rolls of the employees of the management particularly when the same are found corroborated by the documentary evidence consisting of the letters Exhibit M-1 and M-3 and acknowledgement receipts Exhibit M-2 and M-4 and the attendance register brought by Shri Atam Chand in Court. The solitary oral statement of the workman at any rate is not sufficient to rebut the overwhelming documentary and oral evidence of the management concerned referred to above. I, therefore, relying on the evidence oral and documentary led by the management on record hold and decide this issue in their favour.

**Issue No. 2.**—In view of my findings on issue No. 1 the reference relating to the justification of the termination of services of the workman is bad in law and no findings thus need to be given on this question. In view of my findings on issue No. 1 the workman is not entitled to any relief. I, decide this issue accordingly and answer the reference while returning the award in these terms.

The 8th February, 1978.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No 413, dated 14th February, 1978.

Forwarded. (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 8th February, 1978.

MOHAN LAL JAIN ,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

**No. 2093-3Lab-78/1412.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Maheshwari and Co. Pvt. Ltd., 14/4, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No 189 o 1977

between

SHRI PREM CHAND AND THE MANAGMENT OF M/S. MAHESHWARI ADD CO , PVT., LTD.,  
14/4, MATHURA ROAD, FARIDABAD

Present :—

Shri Lal Chand, for the workman.

Shri B. R. Grover, for the management.

## AWARD

By order No. ID/FD/373-77/47018, dated 27th October, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Maheswari and Co. Pvt. Ltd., 14/4, Mathura Road, Faridabad and its workman Shri Prem Chand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Prem Chand was justified and in order? If not, to what relief is he entitled ?

On receipt of the order of reference notices were issued to the parties. The parties appeared. The parties had stated that they want to settle the dispute. The management had filed settlement. Today the representative for the workman admitted the settlement. I have seen the settlement. It is fair and just. I, therefore, give my award in terms of the settlement award. The settlement shall form the award.

The 14th February, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 125, dated the 15th February, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 15th February, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

## Settlement u/s 18(1) of the Industrial Disputes Act, 1947

between

SHRI PREM CHAND, SON OF SHRI RAM CHAND, LEADING HAND AND THE  
MANAGEMENT OF M/S MAHESWARI & CO., PVT. LTD., 14/4, MATHURA ROAD, FARIDABAD.

*Representing Management:* Mr. R N. Chakraborty.

*Representing Worker:* Worker himself.

## Shortrecital of the case :

Whereas the worker had served a demand notice dated on the management in which the conciliation proceedings were held and as no settlement could be arrived, the failure report was sent by the Labour Officer Faridabad. Further more the Worker had also filed application under Payment of Wages Authority for difference in his wages none the whole issues are settled as under.

## Terms and conditions :

1. It is agreed that the worker will be treated as retrenched and will be paid one month wages in lieu of notice pay, Earned Wages-difference of wages and fifteen days wages as ex-gratia wages including leave wages.
2. It is further agreed that the worker will receive this payment in his full and final payment of all his claims including the claim for reinstatement and re-employment.
3. It is further agreed that worker will give a separate receipt of the payment.
4. It is further agreed that this settlement will be filed with the Payment of Wages Authority with the request that the application shall be treated as with drawn.
5. It is further agreed that the worker will withdraw his case for reinstatement against the management as and when he is referred to the Industrial Tribunal/Labour Court for adjudication.

This settlement entered into today, the day of October, 1977 in presence of witness.

*Representing Management*

*Representing Worker*

(Sd.) R.N. CHAKARVARTY

(Sd.) (PREM CHAND)

Witness:

- 1 (Sd.) LAL CHAND.
2. (Sd ) B.R. GROVER.

## ATTESTED:

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

G. V. GUPTA,